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Docket No. WS-20794A-11-0140, WS-20794A-11-0279 & ^{SW}WS-20851A-12-0226

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DII-Emerald Springs, LLC
212 E. Rowland Street #423
Covina, CA 91723

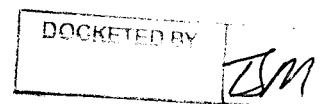
October 6, 2012

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Docket Control Center
Arizona Corporation Commission
1200 W. Washington Street
Phoenix, Arizona 85007

Arizona Corporation Commission
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OCT 10 2012



RE: MOTION TO DISMISS – LACK OF COMPLIANCE

Doyle Thompson Application: Docket No. WS-20851A-12-0226

On April 2011, DII-Emerald Springs, LLC (hereinafter “DII”) filed an application for Sewer Certificate of Convenience and Necessity (“CC&N”) with the Commission in Docket No. **WS-2079A-11-0140**.

On July 2011, DII also filed a “Rate Application” Docket No. **WS-20794A-11-0279**.

On August 2011, The Commission’s Utility Division (“Staff”) found DII’s applications to be sufficient.

DII during the entire process has responded respectfully and in a timely manner to all requests from Staff in an effort to demonstrate the willingness to comply and obey all requests and procedural orders.

On March 8, 2012 Staff advised Mr. Thompson that he would need to apply for a CC&N; and was provided with information on how to access the Commission’s Sewer Rules and Application for a CC&N.

Mr. Thompson was also provided with appropriate contact information for Staff.

“Please refer to Staff’s Notice of Filing Supplemental Staff Report” filed on 3-14-12, Image # 0000135160 of the docket.

On April 10, 2012 a Procedural Conference was held, at that time; Mr. Thompson was granted Intervention. During this procedural conference, Mr. Thompson indicated he intended to file a CC&N application within 30 days from 4-10-2012.

On April 11, 2012 a Procedural Order was issued (Image # 0000135808) ordering Mr. Thompson to file 1 of 3 options by 5-10-2012 which is within the 30 days Mr. Thompson indicated during the Procedural Conference. Well, Mr. Thompson failed to comply with this Procedural Order.

On May 29, 2012 (Image # 0000137073) Mr. Thompson filed a statement indicating he intends to file an application for CC&N as soon as possible (No date was provided).

On June 11, 2012 (Image # 0000137397) Staff’s Response to Procedural Order indicates Mr. Thompson finally filed an application for CC&N on 6-7-2012. However, based on information received from Staff, this application was incomplete.

On July 31, 2012 (Image # 0000138288) a Procedural Order was issued indicating DII’s & Thompson’s Dockets be consolidated. However, as of this date Mr. Thompson has not received a letter of sufficiency.

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DII has been in communication with Staff and has been informed that Mr. Thompson has been given multiple extensions to comply with the documentation in order to complete his CC&N application. The latest extension was due on 9-30-2012 and once again, Mr. Thompson failed to comply.

As of the end of Friday, October 5, 2012; Mr. Thompson has not complied with the required documentation and a letter of sufficiency has not been issued yet.

It has been 7 months since Mr. Thompson was advised to apply for the CC&N and yet, his application remains incomplete.

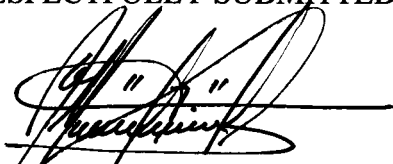
Since 3-8-2012 to 10-5-2012 Mr. Thompson has failed to comply with procedural orders, his own timeline, and requested extensions. Therefore, it is clear Mr. Thompson has demonstrated the lack of compliance, interest and respect to this process and Staff.

CONCLUSION:

Based upon the foregoing, DII respectfully moves to dismiss docket number **WS-20851A-12-0226 (Doyle Thompson CC&N incomplete application)** and to expedite DII applications to the next step of the process.

If additional information is required, please contact me at 626-664-0602.

RESPECTFULLY SUBMITTED, this 5th day of October, 2012.

A handwritten signature in black ink, appearing to read "Henry Melendez", with a stylized flourish extending from the end.

DII-Emerald Springs, LLC
Henry Melendez, President